



UNITED STATES PATENT & TRADEMARK OFFICE

Re: Application of: Chih-Ming Chen, et al.
 Serial No.: 09/705,625
 Filed: November 3, 2000
 For: **Methods for Treating Diabetes Via
Administration Of Controlled Release
Metformin**

BOX: MISSING PARTS

Assistant Commissioner for Patents
 Washington, D.C. 20231

April 2, 2001

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

In response to the Notification of Missing Requirements dated February 2, 2001, a copy of which is enclosed, please find an executed Declaration/Power of Attorney form signed by the inventors, and a check in the amount of \$1092.00 covering the basic filing fee, additional claims fee, and surcharge.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

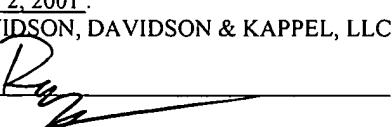
By _____

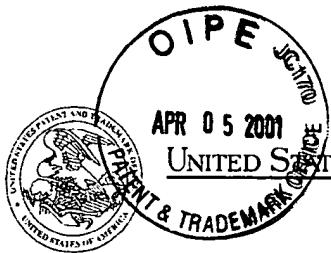

 Robert J. Paradiso
 Reg. No. 41,240

Davidson, Davidson & Kappel, LLC
 485 Seventh Avenue, 14th Floor
 New York, New York 10018
 (212) 736-1940

I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" in an envelope addressed to "Assistant Commissioner for Patents, Washington, DC 20231" on April 2, 2001.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/705,625 | 11/03/2000 | Xiu Xiu Cheng | 300.1012 |

23280
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK, NY 10018

FORMALITIES LETTER



OC00000005728378

Date Mailed: 02/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$252.
 - \$252 for 14 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1092.**

*A copy of this notice **MUST** be returned with the reply.*

B. Monroe
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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04/09/2001 AGDITOM
01 FC:101
02 FC:105
03 FC:103

APR 8 2001

MC
 ASSISTANT COMMISSIONER FOR PATENTS
 Washington, DC 20231



Docket No.: 300.1012

Date: April 2, 2001

Sector

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In re application of: Chih-Ming Chen, et al.

Serial No.: 09/705,625

Filed: November 3, 2000

For: Methods For Treating Diabetes Via Administration Of Controlled Release Metformin

Sir:

Transmitted herewith is a Response to Notice to File Missing Parts in the above-identified application.

- Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- No fee for additional claims is required.
- A filing fee for additional claims calculated as shown below, is required:

| | (Col. 1) | (Col. 2) |
|---|------------|------------|
| FOR: | REMAINING | HIGHEST |
| | AFTER | PREVIOUSLY |
| | AMENDMENT | PAID FOR |
| TOTAL CLAIMS | * Minus** | = 0 |
| INDEP. CLAIMS | * Minus*** | = 0 |
| [] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | |

| SMALL ENTITY | OR | LARGE ENTITY |
|--------------|----|--------------|
| RATE FEE | OR | RATE FEE |
| x \$ 9 \$ | | x \$ 18 \$ |
| x \$.40 \$ | | x \$.80 \$ |
| + \$135 \$ | | + \$270 \$ |

TOTAL: \$ OR TOTAL: \$

- Also transmitted herewith are:
 - Petition for extension under 37 C.F.R. 1.136 (in duplicate)
 - Other: **Copy of Notice to File Missing Parts of Nonprovisional Application
Declaration and Power of Attorney
Application Data Sheet**
- Check(s) in the amount of **\$1092.00** is/are attached to cover:
 - Filing fee for additional claims under 37 C.F.R. 1.16
 - Petition fee for extension under 37 C.F.R. 1.136
 - Other: **Basic Filing Fee
Late Filing Fee Surcharge**
- The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
 - Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - Any patent application processing fees under 37 C.F.R. 1.17.
 - Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 